

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CIVIL REVISION APPLICATION No. 1442 of 1996****For Approval and Signature:****HON'BLE MR.JUSTICE A.M.KAPADIA**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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GAJJAR & PATEL ASSOCIATES THRO'PARTNER NATVARLAL PATEL-Petitioner(s)
Versus
RASILABEN MOHANLAL GAJJAR - Respondent (s)

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Appearance :

MR IM KAPUR for Petitioner No(s).: 1.

MR KV SHELAT for Respondent No(s).: 1 - 1.

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CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date : 27/07/2005**ORAL JUDGMENT :**

- 1.Mr. I.M. Kapur, learned advocate for the petitioner, upon instructions received from the petitioner, seeks leave to withdraw the petition reserving liberty to file appropriate application before the City Civil Court, Ahmedabad for setting aside the

abatement of Summary Suit No.1644 of 1995.

2. Mr. K.V. Shelat, learned advocate for the respondents has no objection if leave to withdraw the petition reserving liberty as prayed for is granted.
3. Hence, leave to withdraw the petition is granted. The petition stands disposed of as withdrawn. It would be open to the petitioner to file appropriate application before the City Civil Court, Ahmedabad for setting aside the abatement of the Summary Suit No.1644 of 1995. If such an application is filed, the learned City Civil Judge, Ahmedabad shall decide the same in accordance with the law as early as possible.
4. It is made clear that this Court has not expressed any opinion on the merits of the matter.
5. Rule is discharged with no order as to costs. Interim relief, if any, stands vacated.

(A.M. Kapadia, J.

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